



Carroll County Building Department  
605-1 Pine Street  
Suite/Room C115  
Hillsville, Virginia 24343

Virginia State Law requires any land owner who disturbs 10,000 square feet or more of soil must first submit to the E & S Control Office an E & S Plan for approval. Once the plan has been approved a land disturbing permit must be issued. For the construction of a single family residence an Agreement in lieu of an E & S plan may be substituted. Where the land disturbance is less than 10,000 square feet but is located in an industrial development, commercial development, or residential development an E & S Plan or Agreement in lieu of is still required.

In addition to the E & S Laws and Regulations the project site may also fall under the Virginia Stormwater Management Laws and Regulations.

To determine if the project falls under the Virginia Stormwater Management Laws and Regulations click on the link below.

[www.deq.virginia.gov](http://www.deq.virginia.gov) or call the DEQ regional office at (276) 676-4879

### **When a Permit is Not Required?**

19. "Land-disturbing Activity" means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting, and filling of land, except that the term shall not include:

- a) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- b) Individual service connections;
- c) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard-surfaced; ESC MODEL ORDINANCE REVISED 12/5/2014 3
- d) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- e) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1 of the Code of Virginia;
- f) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting

basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (Sec. 10.1- 1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of Sec. 10.1-1163;

g) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;

h) Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act (Va. Code § 10.1-604 et seq.), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;

i) Disturbed land areas of less than 10,000 square feet in size, or less than 2,500 square feet in all areas of the jurisdiction designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations; [However, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify conditions under which this exception applies.]

j) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

k) Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this ordinance; and

l) Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of this ordinance.